

ES-96
10/090,951
Amdt. dated June 23, 2004
Reply to Office action of March 23, 2004

REMARKS/ARGUMENTS

Applicant has carefully reviewed the Examiner's communication mailed March 23, 2004.

The Examiner has objected to the title of the invention as not descriptive. The Examiner has further objected to an informality on page 1 under the heading Related Applications as not identifying that Application Serial Number 09/774,453 is now United States Patent 6,511,775. Applicant has amended the specification to provide for a new title "A Silica Filled Polymeric Separator Containing Efficiency Improving Additives." Applicant has also amended the specification under Related Applications to identify the serial number 09/774,453 as United States Patent 6,511,775.

The Examiner has provisionally rejected Claims 1-32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-32 of copending applications 10/090,930 in view of Paik et. al. (6,242,127). Applicant is filing a terminal disclaimer to overcome this rejection.

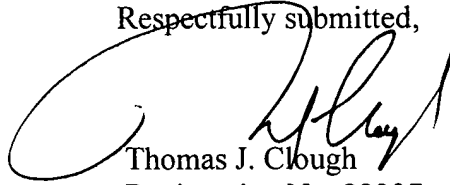
In conclusion Applicant requests the Examiner to withdraw the rejection to the specification in view of the present amendments to the specification and the rejection under obviousness-type double patenting in view of the filing of a terminal disclaimer. In conclusion Applicant submits that the present claims are allowable and respectfully requests the Examiner to forward this application to issuance at an early date.

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Should any matters remain unresolved, the Examiner is requested to call (collect)

Applicant's attorney at the numbers given below.

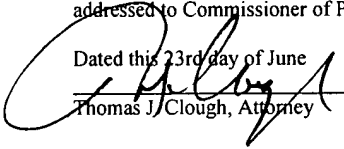
Respectfully submitted,



Thomas J. Clough
Registration No. 22337
Attorney for Applicant
P.O. Box 718
Pismo Beach, California 93448
(805) 481-3750
Facsimile (805) 481-3452

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 29231 on or before June 23 2004.

Dated this 23rd day of June



Thomas J. Clough, Attorney